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SUMMARY OF MEETING

COMMITTEE ON LEGAL SERVICES

January 9, 2012

The Committee on Legal Services met on Monday, January 9, 2012, at 2:04 p.m. in SCR 356. The following members were present:

Senator Morse, Chair
Senator Brophy
Senator Carroll
Senator Roberts
Senator Schwartz
Representative B. Gardner, Vice-chair
Representative Labuda
Representative Levy
Representative Murray
Representative Waller

Senator Morse called the meeting to order.

2:05 p.m. -- Jane Ritter, Senior Staff Attorney, Office of Legislative Legal Services, addressed agenda item 1a - Rules of the State Board of Education, Department of Education, concerning S.B. 10-191 and the administration of a statewide system to evaluate the effectiveness of licensed personnel employed by school districts and boards of cooperative services, 1 CCR 301-87.

Ms. Ritter said the rules of the state board of education concerning Senate Bill 10-191 and the statewide system on educator effectiveness were adopted by the state board on November 9, 2011, and are scheduled to expire on May 15, 2013. Typically, a review of rules scheduled to expire in 2013 would not occur until the upcoming interim. In this case, however, an earlier review is called for by the provisions of Senate Bill 191 and sections 22-9-104 and 22-9-105.5, C.R.S., which require the General Assembly to review and approve these rules on or before February 15, 2012. Senate Bill 191 addressed the creation and implementation of a statewide performance evaluation system based on educator effectiveness. It included some unique provisions related to the promulgation of rules for the development and implementation of that evaluation system. First of all, it authorized the General Assembly to address the rules implementing provisions of Senate Bill 191 in a bill that is separate from the annual rule review bill. Secondly, the General Assembly has a February 15, 2012, deadline to review and approve the separate rule review bill. The state board has broad general authority to administer article 9 of title 22, C.R.S., which is the "Licensed Personnel Performance Evaluation Act". Through Senate Bill 191, the state board was given specific statutory authority in sections 22-9-104 (2) (c) and 22-9-105.5 (10) (a), C.R.S., and direction to work with the state council for educator effectiveness to promulgate rules for the implementation of the evaluation system. Our Office has identified several issues which fall into three categories: Vague or unclear terms; ambiguity and failure to meet a standard of clarity; and failure to conform to statutory requirements or adequately address the legislative intent of Senate Bill 191. I will address each issue in turn, beginning with the vague terms.

Ms. Ritter said the first issue is the use of the term "crosswalk". The rule-making provisions of the "State Administrative Procedure Act" (APA) require rules to meet a basic standard of clarity. Section 24-4-103 (4) (b) (III), C.R.S., states that to the extent practicable, a regulation should be clearly and simply stated so that its meaning will be understood by any party required to comply with the regulation. Rules 2.02 and 3.02 describe principal and teacher quality standards. They allow local boards of education to develop their own standards, provided they meet or exceed those adopted by the state board by rule. The first paragraphs of Rules 2.02 and 3.02 further require a school district or board of cooperative services (BOCES) to "crosswalk" its locally developed standards with the standards set out in the state board rules. The term "crosswalk" is not defined or readily understood and its lack of clarity results in the possible inability of a local school board or BOCES to comply with the rule. Therefore, the first paragraphs of Rules 2.02 and 3.02 fail to meet the standard set forth in the APA and we recommend they be repealed.

Ms. Ritter said the second issue concerns the use of the terms "mastery", "expertise", "knowledgeable", "expert", and "knowledge". As discussed, the APA requires rules to meet a basic standard of clarity so that they may be readily understood by those being regulated. Rule 3.02 (A) articulates "Quality Standard I" for teachers. In the language of Quality Standard I, the terms "mastery", "expertise", "expert", "knowledgeable", and "knowledge" are used to describe a level of skill and knowledge elementary and secondary teachers must have to meet the standard. These terms are not defined in either statute or rule and could be interpreted differently by different school districts or BOCES when using Quality Standard I in a performance evaluation. A teacher who is considered an expert in school district 1 might not be considered an expert in school district 2, for instance, thus leading to a potentially unequal application of the evaluation system. Furthermore, a teacher appealing two consecutive ratings of ineffective, which would lead to a loss of nonprobationary status, would have difficulty establishing in any objective way whether he or she was an "expert" or merely "knowledgeable" in his or her content area. Therefore, because the language in Rule 3.02 (A) is not sufficiently clear to meet the standards set forth in the APA and to be understood by either teachers or principals evaluating teachers under the new evaluation system, we recommend it be repealed.

Ms. Ritter said the next issue concerns Rules 2.03 and 3.03, which concern performance evaluation ratings for principals and teachers. For discussion purposes, I will use Rule 3.03 for teachers to illustrate. It lists the five tasks concerning performance evaluation ratings for teachers. All are to be accomplished during the pilot period. Individually, the five tasks do not present any issues. Collectively, however, it is difficult to ascertain at what point one task must be accomplished before another can occur. For instance, one part of the rule instructs the boards to adopt definitions for the four levels of performance evaluation ratings: Highly effective, effective, partially effective, and ineffective. It does not state by when these definitions must be adopted. Yet another part of the same rule requires school districts and BOCES to assign one of the teacher performance evaluation ratings to each teacher. Again, no timeline is set. Clearly, the state board's definitions must be adopted prior to the school districts and BOCES assigning ratings, but the timing to accomplish this is not included in the rule. The interplay between the timing of the tasks is ambiguous and problematic. If the tasks can occur concurrently, there is no problem. If the tasks must occur consecutively, however, the failure or excessive delay in the completion of task number one could hinder the completion of task number two and so on. Because Rules 2.03 and 3.03 contain ambiguity, they fail to meet the standard of clarity set forth in section 24-4-103 (4) (b) (III), C.R.S., and we therefore recommend that the

rules be repealed.

Ms. Ritter said the next issue is Rule 1.11, which is the definition of "pilot period". The grant of rule-making authority given to the state board in section 22-9-105.5 (10) (a), C.R.S., includes direct language instructing the state board to adhere to a specific timeline when promulgating its rules, and then proceeds to set forth a detailed timeline for development and implementation. Rule 1.11 defines the term "pilot period" as it will be used throughout the rules. It states that the pilot period will end in July 2013 or when the state model system based on the principal and teacher quality standards has been completed, whichever is later. However, section 22-9-105.5 (10) (a) (IV) (A), C.R.S., requires the rules promulgated by the state board to conform to a timeline that has the evaluation system being implemented statewide beginning with the 2013-14 school year and finalized in the 2014-15 school year. The language in Rule 1.11 of "whichever is later" allows for the possibility that the statewide implementation would begin later than the 2013-14 school year. This does not conform with the statutory requirements of section 22-9-105.5 (10) (a) (IV) (A), C.R.S., and we therefore recommend it be repealed.

Ms. Ritter said finally, I'd like to discuss language related to the expectations of student growth. Section 22-9-105.5 (3) (a), C.R.S., includes very direct language addressing the need for expectations of student academic growth to take into consideration multiple diverse factors. It says that for the purposes of quality standards, expectations of student academic growth shall take into consideration diverse factors, including but not limited to special education, student mobility, and classrooms with a student population in which ninety-five percent meet the definition of high-risk student as defined in section 22-7-604.5, C.R.S. Rules 5.01 (E) (7), (E) (8), and (E) (9) address multiple methods for evaluating teacher performance related to student academic growth, but they fail to include this language from section 22-9-105.5 (3) (a), C.R.S., as important considerations that might have a significant impact on a teacher's effectiveness rating. As such, they fall short of meeting the legislative intent of Senate Bill 191 and do not appear to satisfy the statute. We therefore recommend that Rules 5.01 (E) (7), (E) (8), and (E) (9) be repealed.

Ms. Ritter said in conclusion, we recommend that the rules of the state board discussed today be repealed and included in a separate rule review bill to be introduced to address the Senate Bill 191 rules. Also, with the exceptions noted today, the remaining rules are within the state board's rule-making authority, do not conflict with existing statute, and should therefore be extended.

2:18 p.m. -- Diana Sirko, Deputy Commissioner of Education, Department of Education; Katy Anthes, Executive Director for Educator Effectiveness, Department of Education; and Kady Lanoha, Senior Policy Associate, Department of Education, testified together before the Committee. Ms. Sirko said this has been a long process. The stakeholders went through each and every component and every required definition and really agonized over each and every piece. An immense amount of consideration was given to create a set of rules that would allow us to implement the intent of the law in a fair and equitable manner across the state. They worked on defining what is an effective teacher and leader and what key attributes or standards should be present to evaluate this professional practice. We presented the first draft of the rules to the state board in June of 2011 and that began the rule-making process. Over the course of the subsequent five months we had several rule-making hearings. People were required to submit their thoughts, concerns, and input in writing. We created drafts of the rules along the way in response to that feedback and input. Along with our four bill sponsors, we were happy to present those to the state board in November 2011 where they were given full, bipartisan support.

Ms. Sirko said we'd like to respond to the concerns and issues identified by the Office. The issue was raised about the ambiguity of the term "crosswalk" and whether or not that's a universally understood term and that it may not carry a meaning that is clearly understood by any party required to comply with the regulation. For districts across the state, and it's probably a part of the "educationese" that we all use at times, "crosswalk" is a very commonly utilized term to show how one set of standards compares with another set of standards and what is the bridge between those two. It shows a compare and contrast and it helps us to see what's the same and what's different. While we were going through the rule-making process, one of the issues raised by several groups was ensuring the comparability of systems. If a district chose to use their own evaluation system, they would be required by law to show that their system met or exceeded the standards that were required under the state model evaluation system. One of the suggestions created by many of our input groups required people to create a crosswalk, because that's something that is often requested with old versus new. People asked for a crosswalk to show where the old Colorado academic standards and the new standards are the same or different. We utilized that term in response to that feedback and because we felt that, for districts, it was a clear term that would clearly allow them to meet the assurance that their system either met or exceeded the state system. We also plan on developing a template that they will fill out to demonstrate how their standards comport with the state standards for both principal and teacher evaluations.

Ms Sirko said second, the Office has expressed concern about the fact that the first paragraph of Rule 3.02 (A) uses the terms "mastery", "expertise", "expert", "knowledgeable", and "knowledge" to describe benchmarks for teachers in achieving teacher Quality Standard I. The concern is that the terms are not defined or otherwise categorized, and that the language is therefore overly vague. The department believes that terms like "mastery" and "expertise" are commonly used in benchmarks and criteria established in various sectors. It is also noteworthy that these are included in the Colorado academic standards, such as the term "mastery", which outlines the K-12 academic expectations for students. While it may be somewhat broad, the tools used to measure these standards are really very specific. I would call your attention to a handout we sent you last week, which is a rubric that would be utilized to measure the attainment of each and every one of those standards. While the standards themselves may be broad, the rubric used to identify and evaluate those attributes is very specific. The rubric breaks down specific categories of each of those behaviors, beginning from the standard of "not evident" up to "exemplary status". We believe that kind of specificity will allow districts to very clearly distinguish between what is "mastery", what is "expertise", what is "knowledgeable", etc., because those will be clearly defined in those measurement instruments.

Ms. Sirko said third, the Office has expressed concern that the tasks for the department staff outlined in Rules 2.03 and 3.03 do not include a timeline and that the language in these rules is overly ambiguous. The rules indicate that some of these tasks will be completed during the pilot period, which is the period of time when the department will collaborate with school districts and BOCES - we are currently in the process of doing that with 27 school districts - to refine a state model educator evaluation system. Some of these tasks will take place after and during the pilot period because they depend on the outcomes of the pilot period. We are very excited about this landmark legislation, but we have to remember that this is happening for the first time in a few states across the nation, so having those pilots as a learning experience is key to us developing a high quality system that districts feel is a reliable and valid way of measuring teacher and principal performance. We believe it's going to be very important to have that time of trial and error and that all tasks must be completed by July 2013, when the system is set to be implemented across the state. If the state board is required to adopt emergency rule revisions, one option, with the Committee's permission, would be to revise the rules to include a timeline. We will simultaneously develop model rubrics and tools for assessing the quality standards and a model evaluation scoring matrix. We really have two key components of measuring evaluation. One of those is professional practice, which embodies those standards. The other is

student outcomes and how students are progressing as a result of the teacher's or leader's efforts over the course of the school year. We provided for you a handout of an example of what a matrix may look like. This was created by the state council for educator effectiveness as a sample. One of the issues raised by the Office is that if they're going to be done simultaneously, it may make more sense, because they're not really collective in nature and additive, and we would create those definitions and do that no later than May 2013. We would also provide technical guidance, based on research and best practices that emerge from that pilot, no later than December 2013. And school districts will use a matrix and decision-making structure to annually assign one of the four evaluation ratings to every educator beginning with the 2013-14 school year as is required in Senate Bill 191.

Ms. Sirko said fourth, the Office has expressed concern that the definition of "pilot period" in Rule 1.11 defines the pilot period as ending on July 2013 or when the state model system has been completed, whichever is later. The concern is that statute requires statewide implementation of the evaluation system to begin at the beginning of the 2013-14 school year, and if the pilot ends any later than July 2013, that may be problematic for school districts. This current definition of the pilot period was established to allow the pilot period to last beyond the July 2013 date, if additional learning is needed and resources exist. The department would like to emphasize that the state educator evaluation system should allow for continuous learning and improvement and that full implementation of a very complex system may very well take more than a year and a half to test and refine. While certain components of the state model system will need to be developed and ready for implementation, the department anticipates that other components of the model system will need to be piloted beyond the 2013 date, particularly when you're looking at the student evaluation measures. Again, there are many states that are actively working on this; none have yet established a clear procedure or clear measures that they believe can be utilized in this way. It's a learning experience and it will take a bit of time to really refine the system completely.

Ms. Sirko said finally, the Office has expressed concern that the rules do not contain the language from statute that expectations of student academic growth should take into consideration diverse factors such as special education, student mobility, and classrooms with a large percentage of students who are considered high risk. The department believes that districts will need to address these factors as they select their measures of student growth that meet the requirements of the rules, including that the growth measures be selected in a manner that is explicit and transparent, can be used by educators to improve student performance, and are valid and reliable. While we will

provide a large resource bank that has instruments available to districts, districts ultimately, as a component of local control, will be able to develop their own instruments that take into account their own individual diversity factors as they select their measures for their own local circumstances. We will also be providing technical guidance of how districts may do this. We also plan to have a common resource that districts can go to see how other districts who are approximately the same size and have the same risk factors have done this so they can learn from each other and share the best practices.

Representative Levy said, having heard the department's response, I have a question for Ms. Ritter. On the terms "expert", "mastery", etc., what were you looking for there? I can see your point that they kind of assume a lot of content, but I was struggling to figure out how you would actually break that down into something more detailed. Are you satisfied with the department's response that they will be developing a more detailed rubric? Ms. Ritter said I was looking for what they have described is in the rubric that outlines the specifics that go into what makes an expert. My concern dealt primarily with a teacher who would be appealing two consecutive ratings of ineffective. If a portion of that rating came about because he or she was considered something less than an expert or less than knowledgeable - those two terms being very subjective without the rubric - then there would be no objective way for that teacher to state his or case to say that's not an accurate representation of my abilities. I still have a concern that those terms are used in the rules. There's less of a concern if there's something behind the rules - the rubric - but at the same time the rules are a more formal statement of what needs to happen. The rubric can be changed without the same amount of scrutiny, so that would be our Office's concern.

Representative Labuda said I thought what Ms. Sirko said makes perfect sense but when I read the statute, I had the same concerns as Ms. Ritter. I know what "mastery" means to me, but we're all supposed to use the same definition. Some definitions could be incorporated into the rules to make clear. I understand that to become a master teacher there are certain things a teacher needs to do. I know some master teachers and what they had to do to get there, and they had definite guidelines. Their ideas of what mastery is are very different from what a two-year teacher's idea of mastery is. I think there needs to be more clarification. I was interested to hear your comments about "crosswalk". Everybody in the education business knows what it is, but I who am a parent as well as a legislator, have no idea what that means. The rule should be clear enough so that I, as a parent, can look at it and know what crosswalk means. I'm one of those who thinks there needs to be a more detailed definition or a reference to the rubric. Ms. Sirko said certainly any of

those could be made more clear. We talked a little about appendices attached to the rules that would have those examples. As part of the accountability system, districts submit assurances each year in relation to different rules, so we foresee that by July 1 of each year, a district would need to include in their assurances how their evaluation system meets or exceeds the requirements of Senate Bill 191 and the rules that have been promulgated. There would be a template for how they would do that. We can certainly describe that in greater depth and, with the board's permission, bring that back.

Senator Carroll asked, on your web site, is it possible to include a hyperlink to the rubric in the rule so they're immediately paired together? Ms. Sirko said it would be possible to do that. We actually discussed that upon several occasions during the rule-making process. Our concern was a little bit like what Representative Labuda was talking about that we want parents or an educator to have everything they need right in front of them, so they wouldn't be referencing multiple documents when they're trying to clarify any questions they have. It's certainly possible to do that and on our web site there are many different resources. For instance, the rubric is on the web site as well as a tutorial on how to utilize that. We would need to examine that with our state board and determine whether we felt that going back and forth between documents would be cumbersome, but if the purpose is to be clear so there isn't any ambiguity about what we want people to know and be able to do, we're open to whatever is possible to get that done.

Senator Roberts said I need to understand a little better about "mastery" and the terms being used. I'm assuming for every subject matter, different teachers are going to have different areas where they're expert or just knowledgeable. A mathematics teacher would have a certain rubric. If an English teacher wants to qualify to be expert, the rubric will lay that out. Is that right? Ms. Sirko said as an example, an elementary teacher needs to demonstrate mastery and be an expert in the teaching of literacy, whereas, a secondary teacher needs to have the knowledge of literacy but then be an expert in his or her content area. Certainly, your point is a good one in that, based on what their assignment is, the requirements are a little bit different. We believe we can use a common rubric for most of those, but making sure evaluators understand that there will be circumstances where a different rubric will need to be used. We want the rubric to be something that is valid and reliable and that a person feels confident is a fair appraisal of their performance, so it is possible there will be multiple rubrics based on different assignments and different standards.

Senator Roberts said I guess what I'm hearing is that there is this tension about a need for flexibility. What an expert is as you update educational methods is

not going to be set in stone, so I assume you need some flexibility to adjust that over time. To me, having the rubric as an attachment gives you flexibility. But, I also hear the concern about teacher notification. Regarding Ms. Ritter's concern of how does a teacher know that they're hitting the mark or not hitting the mark, how will they access the information of the expectations they need to meet? Ms. Sirko said I think that one of the key pieces of this that I can't understate is the importance of highly trained evaluators and a lot of ongoing professional development for everyone who is evaluating and someone who is being evaluated, so there is clarity about each and every term and a very clear understanding of what each of the standards is requiring. When we did our pilot training for the 27 districts this fall for the principal rubric, what they loved about it was the amount of clarity, since we've talked about some of these terms over the years but we've never clearly been able to define the components of the standard. The teacher leaders said they were anxious to see what their rubrics look like because it helps them to clearly articulate the standards. I think that professional development and ongoing revision is going to be key, particularly in the early stages. The other point Senator Roberts made that I think is an excellent one is that what we view as state of the art instruction in a certain area now may be very different five years from now, so those adjustments will need to be made over time. These need to be dynamic instruments that continue to build and encourage best practices.

Ms. Anthes said the only other clarifying point I'd like to make is that there is a difference between these quality standards right now. We're hoping to align them over time - the teacher quality standards, the principal quality standards, and also the preparation program standards that define clearly what content mastery is expected of a teacher candidate in a higher education program or a principal candidate in a higher education program. A little bit of the differences you're seeing there are the words like "expertise" and "mastery". Those are often embedded in the content knowledge piece which is in our preparation program quality standards, and then how you measure those are in our rubric. You have the example of the principal rubric in front of you and they will also be in the teacher rubric once we have that completed.

Senator Carroll said one of Ms. Ritter's points is that the APA has a certain amount of notice and procedure before rules are promulgated or changed. Given the flexibility that Senator Roberts pointed out, what process would you anticipate using to give people notice of changes as rubrics get introduced or changed, if it's not through formal rule-making? Ms. Sirko said I'll ask Kady Lanoha to discuss what our rule-making process is and how any changes to the rules would be made and then close with how individual districts may make changes to the rubric as part of their collaborative processes.

Ms. Lanoha asked Senator Carroll is that your question or are you more concerned about if we do this outside of the rule-making process? Senator Carroll said I think I get the rule process. It would be more about as changes are contemplated in the rubric, what would the notice procedure and public input aspects of that look like?

Ms. Sirko said in the rule-making process, we were clear that we would come back each year at the end of each pilot with any changes in rules, which would need to go through the same rule-making process components. There will be some pieces where we will say that didn't work in a real world setting and we'll need to adjust that. Within an individual school district, just as now when they're changing any evaluation procedures, it's a rather collaborative process where they're working with their staff to determine whether or not the changes are within the guidelines of what people all consider fair and valid. At the end of the day, we want this to raise the level of performance in our entire profession and raise the level of conversation where we're giving people high-quality, actionable feedback and they're able to utilize that feedback to make difference in their classrooms. You want to make sure that everybody has bought into what those measures are and that they believe they are a fair measure of what effective practice is. I would foresee in those cases, although it would not be required, that as long as they are meeting or exceeding the rules, they would be able to make those changes at a local level as part of local control.

Senator Roberts asked can you describe the process and who was at the table? I'm trying to understand who has been in this effort and where are you today in terms of who is engaged with where you've arrived. Ms. Sirko said this began a little bit before Senate Bill 191 was passed. In January 2010, the governor's office charged the state council for educator effectiveness to create the definitions of an effective teacher and an effective leader, and the standards of the quality indicators that indicate a person has met those definitions. Senate Bill 191 came along a few months after that. I believe there were about 35 individuals, including teachers, community members, principals, superintendents, and administrators from different levels of the organization. All job roles were represented. We had representatives from districts that have heavy duty collective bargaining agreements and districts that do not. There were members of the council for educator effectiveness and members of other organizations across the state. When Senate Bill 191 passed, they began looking at how to do this in a real world setting and how to make sure this delivers on the promise of raising expectations and raising clarity. I don't know any excellent teacher that doesn't want more feedback on their performance. It was about creating that culture and climate of continuous

improvement and continuous feedback. They looked at every component and spent 18 months agonizing over every piece of that and then created a document with their recommendations for us, which we embodied in the first draft of the rules.

Senator Roberts said in the course of all that, was there general consensus about "crosswalk"? Going to Representative Labuda's concern, who really knows what crosswalk means? If I heard you earlier, it's a common usage within the field. Is it fair to say that everyone who was involved felt it was common usage? Ms. Sirko said the state council for educator effectiveness went through our first draft of the rules and were very honest about which components they were concerned about and which they liked. They did not have any concern about the term crosswalk because it is a generally understood term. For instance, when we created the new academic standards, the first thing districts asked was where is our crosswalk between the old and the new. It's a common way of saying what's the same and what's different and how do you get from point A to point B. The document really is for part of the assurance and accountability process. Some districts have their own system and we need them to create that assurance that says here's how we can share with the community and with educators across the state that they are comparable to the state model system and that they are measuring those same pieces. The issue raised by Ms. Ritter is an excellent one around how can we make sure that highly effective in district 1 is the same as highly effective in district 2 and that crosswalk is meant to do that. We can certainly describe that in different terms or expand on that definition.

Ms. Anthes said I did just pull an example of a crosswalk of Eagle county, which has a robust system in place already, but it's just a side-by-side comparison of the state standards that are in the rules and then how each component of their system addresses the state standards. It is a fairly simple document where they just show how each component relates to the next in the current system.

Representative Gardner asked Ms. Haskins to explain to the Committee that we need at least two motions.

2:56 p.m. -- Debbie Haskins, Assistant Director, Office of Legislative Legal Services, addressed the Committee. She said yes, we recommend that the Committee have a motion that addresses the rules and take your vote accordingly, and then have another motion regarding the draft language of the bill.

Senator Morse said there are a number of rules that staff has recommended that we do not extend, so I will entertain motions about what rules not to extend or I will entertain a motion to extend all of them, and then we will have a follow-up motion to draft the bill according to that last motion or motions.

2:57 p.m.

Hearing no further discussion or testimony, Representative Gardner moved that all of the rules of the state board of education of the department of education, concerning the statewide system on educator effectiveness, as adopted by the board on November 9, 2011, be extended in the separate rule review bill, effective upon passage of the separate rule review bill, and asked for a yes vote. Senator Morse said there has been an awful lot of work done by an awful lot of stakeholders on this and while I recognize the work Ms. Ritter has done and some of the issues she has raised, I support that motion that says these rules will remain intact and we will extend all of the rules that have been submitted to us. I also urge a yes vote. Senator Schwartz said I hope this does provide some clarity or direction to the board and those who have worked in this effort that accessibility to the process is really important. I think this has been very instructive in terms of understanding how this has all taken place, but to know that if we put things more formally into the statute in the rule bill, the public needs to have the information to make that connection. Representative Levy said I understand Ms. Ritter's concerns about the timing and the specificity of the language, but at the same time I recognize how complex this whole process is. I do have concerns with the amount of detail that has yet to be determined and the work that still needs to go on and I do have concerns that the assumption going into it is that the pilot period won't be wrapped up before you go live. Yet I think we recognize that this is something brand new and I hope that as people work with these rules and problems develop that they're addressed, and I hope we don't have the confusion that Ms. Ritter anticipates particularly with teachers not knowing what it is they're aiming for. I guess I have to come down on the side of extending the rules because I think we just have to see. I'm not entirely comfortable with that, but I think that's the only thing we can do at this point. Representative Labuda said when I read Ms. Ritter's memo, I agreed with it. I see the response and I see some of the problems that are inherent in the process. I hope that the board and the attorneys took to heart my questions because I think a parent might have the same questions I have. There needs to be clarification in those parts of the rules. If you can fix that little bit that Ms. Ritter addressed in her memo I would appreciate it very much. I'm also concerned about the timeframes and when this is going to be done. Maybe all of you know inherently when it's going to be done, but if I'm a parent looking for guidance from this, I'm going

to be asking when it's going to be done. The motion passed on a 10-0 vote, with Representative Gardner, Representative Labuda, Representative Levy, Representative Murray, Representative Waller, Senator Brophy, Senator Carroll, Senator Morse, Senator Roberts, and Senator Schwartz voting yes.

3:03 p.m. -- The Committee addressed agenda item 2 - Approval and Sponsorship of a Separate Rule Review Bill to contain the recommendations of the Committee on Legal Services regarding the rules implementing SB 10-191.

3:03 p.m.

Hearing no further discussion or testimony, Representative Gardner moved that the Committee approve the separate rule review bill, designated LLS Number 12-0612, incorporating the decision made by the Committee on Legal Services today to extend all of the rules of the state board of education of the department of education, concerning the statewide system on educator effectiveness, as adopted by the board on November 9, 2011. Senator Morse said assuming the motion passes, the bill will be drafted for introduction on Wednesday, and then will likely go to the House Committee on Legal Services if that's where the Speaker assigns it. Normally rules bills come to this Committee by statute, but in this case the Speaker and President have the option of where to send it. We will likely meet again and go over the bill and so there will be another opportunity for the public to have input at that point, and then again in the Senate. The motion passed on a 10-0 vote, with Representative Gardner, Representative Labuda, Representative Levy, Representative Murray, Representative Waller, Senator Brophy, Senator Carroll, Senator Morse, Senator Roberts, and Senator Schwartz voting yes.

Senator Morse said the bill will be so drafted and Representatives Murray and Gardner will carry it in the House. It shall start in the House. Senators Johnston and Spence will carry it in the Senate. Representative Labuda, Representative Levy, Representative Waller, Senator Brophy, Senator Carroll, Senator Morse, Senator Roberts, and Senator Schwartz agreed to cosponsor the bill.

Senator Morse said the session starts in a couple days and we will have an organizational meeting for this Committee where we will elect a chair, this time from the House and we will switch to the House rules, and then we will elect a vice-chair from the Senate. Perhaps in the same day we will hear this bill, if the Speaker assigns it to this Committee, as the law requires we pass the bill and get the governor's signature by February 15. We will be working on

scheduling a meeting in the next several days.

3:07 p.m.

The Committee adjourned.